

ZONING COMMITTEE MINUTES

The regularly scheduled meeting of the Zoning Committee was held on **Wednesday, August 1, 2007** in the Council Chambers, at 11:10 a.m.

The following members were present:

The Honorable Ivory Lee Young, Jr., Chair
The Honorable Joyce Sheperd, Vice Chair
The Honorable Natalyn Archibong
The Honorable Anne Fauver

The following members were absent:

The Honorable C. T. Martin
The Honorable Carla Smith
The Honorable Howard Shook

Others present at the meeting were: Councilmember Mary Norwood, Charletta Wilson-Jacks, Zoning Administrator, Department of Planning and Community Development; City Attorneys Lem Ward, Peter Andrews and Jeffery Haymore, Law Department; and members of the Public and Council staff.

**A. ADOPTION OF AGENDA - ADOPTED AS AMENDED BY ADDING ONE
PIECE OF LEGISLATION**

B. APPROVAL OF MINUTES - APPROVED

CONSENT AGENDA

C. ORDINANCES FOR FIRST READING

07-O-1533 (1) An Ordinance by Zoning Committee to rezone from the I-2
Z-07-76 (Heavy Industrial) District to the C-1 (Community Business)
 District, property located at **658 Whitehall Street, SW**,
 fronting approximately 130 feet on the south side of
 Whitehall Street and approximately 117 feet on the west side
 of Stewart Avenue.

Depth: Varies

Area: Approximately 0.124 Acre

Land Lot: 108, 14th District, Fulton County, Georgia

Owner: James Wright/Wright Family Properties, LP

Applicant: Sabrina M. Sesberry

NPU-V **Council District 4**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1534(2)
Z-07-77

An Ordinance by Zoning Committee to rezone from the SPI-16 Sub Area 2 (Midtown Special Public Interest) District to the SPI-16 Sub Area 2 Transition Area (Midtown Special Public Interest) District, property located at **207, 211, 219, 223 and 225 13th Street, NE**, fronting approximately 208 feet on the south side of 13th Street beginning 408.87 feet from the southwest corner of Piedmont Avenue.

Depth: Approximately 178 Feet
Area: 0.854 Acre
Land Lot: 106, 17th District, Fulton County, Georgia
Owner: 13th Street Holdings, LLC./Frederick Lewis, Paul Patterson
Applicant: 13th Street Holdings, LLC.

NPU-E **Council District 6**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1535 (3)
Z-07-78

An Ordinance by Zoning Committee to amend Ordinance 01-O-0058 (Z-00-97) which rezoned property from the I-1 (Light Industrial) District to the PD-H (Planned Development-Housing) District, property located at **2001 Marietta Street, NW and the rear of 2003 Marietta Road, NW**, and which has been subsequently subdivided into individual residential lots of record for the purpose of a Site Plan Amendment for **1514 Gilstrap Lane, NW.**

Depth:	Varies
Area:	Approximately 0.929 Acre
Land Lot:	244, 17 th District, Fulton County, Georgia
Owner:	Omar Galan
Applicant:	Omar Galan

NPU-D **Council District 9**

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1536 (4)
Z-07-79 An Ordinance by Zoning Committee to amend Z-88-6 adopted by City Council June 20, 1988 and approved by the Mayor June 22, 1988 rezoning from R-3 (Single-Family Residential) District to RG-3-C (Residential General-Sector 3-Conditional) District and O-I-C (Office Institutional-Conditional) District for the purpose of a Site Plan Amendment for **3200 Downwood Circle, NW.**

Depth: Varies

Area: Approximately 5.558 Acres

Land Lots: 182 and 197, 17th District, Fulton County, Georgia

Owner: T. S. Property Acquisition Fund and T. S. Property Acquisition Fund II, LLC.

Applicant: Grayco Partners, LLC.

NPU-C

Council District 8

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1537 (5)
Z-07-80 An Ordinance by Zoning Committee to rezone from the R-3 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **890 Peyton Road, SW**, fronting approximately 92.24 feet on the north side of Peyton Road, beginning 485 feet from the northeast corner of McKenzie Court.

Depth: 1203 Feet

Area: Approximately 7.15 Acres

Land Lot: 214, 14th District, Fulton County, Georgia

Owner: Patrick Frohling

Applicant: Sarran Marshall

NPU-I

Council District 10

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

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C. ORDINANCES FOR FIRST READING (CONT'D)

07-O-1538 (6)
Z-07-81 An Ordinance by Zoning Committee to rezone from the R-4 (Single-Family Residential) District to the PD-H (Planned Development-Housing) District, property located at **3735 Boulder Park Drive, SW**, fronting approximately 81.91 feet on the north side of Boulder Park Drive and approximately 400 feet on the east side of Branch Drive.

Depth: Varies

Area: Approximately 5.57 Acres

Land Lot: 13, 14th FF District, Fulton County, Georgia

Owner: Lonyard R. Hines

Applicant: Frances President

NPU-H

Council District 10

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1539 (7)
U-07-20 An Ordinance by Zoning Committee granting a Special Use Permit for a Church (Section 16-05.005 (1)(c)) for property located at **1521 Donald Lee Hollowell Parkway, NW**, fronting approximately 210 feet on the north side of Donald Lee Hollowell Parkway at the intersection of Francis Place.

Depth: 213 Feet

Area: 1.0 Acre

Land Lot: 145, 14th District, Fulton County, Georgia

Owner: Mount Gilead Baptist Church

Applicant: Lee M. Mayweather

NPU-J

Council District 3

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

07-O-1540 (8)
U-07-21 An Ordinance by Zoning Committee to amend Ordinances 93-O-0934 (U-93-22) and 98-O-0081 (U-97-22) granting a Special Use Permit for a Private School for the purpose of a Site Plan Amendment for **966 West Paces Ferry Road, NW**.

Depth: Varies

Area: Approximately 25.39 Acres

Land Lots: 158 and 181, 17th District, Fulton County, Georgia

Owner: Pace Academy, Inc.

Applicant: Pace Academy, Inc.

NPU-A

Council District 8

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C. ORDINANCES FOR FIRST READING (CONT'D)

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

- 07-O-1541 (9)
U-07-22
- An Ordinance by Zoning Committee granting a Special Use Permit for a Personal Care Home (Section 16-06A.005 (1)(g)) for property located at **722 Alta Place, NW**, fronting approximately 123 feet on the west side of Alta Place and approximately 632 feet south of the right-of-way of Bankhead Highway now known as Donald L. Hollowell Parkway.
- Depth: 220 Feet
Area: 0.64 Acre
Land Lot: 175, 14th District, Fulton County, Georgia
Owner: Helen Konoma
Applicant: Helen Konoma
NPU-J Council District 9

FAVORABLE - TO BE REFERRED TO ZRB AND ZONING COMMITTEE

REGULAR AGENDA

D. ZRB SUMMARY REPORT

E. PAPERS HELD IN COMMITTEE

- 06-O-0038 (1)
Z-05-56
- An Ordinance by Councilmember Carla Smith to amend Various Sections of the Zoning Code of the City of Atlanta, for the purpose of clarifying and/or defining certain terms related to Supportive Housing; to provide how applications for such uses are to be processed; defining the term Community Center and removing certain redundant terms related to such use; redefining the conditions under which dormitories, Sorority Houses and Fraternity Houses are permitted; deleting rooming houses and boarding houses as permitted uses in certain districts; and for other purposes. **(Held 2/1/06 for further review)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

- 06-O-0273 (2) An Ordinance by Councilmembers Carla Smith, Ivory Lee Young, Jr. and Cleta Winslow correcting Ordinance Number 04-O-0179/Z-04-24 which amended Section 16-29.001(16) "Human Services" including Personal Care Homes, Rehabilitation Centers and Nursing Homes by clarifying and/or redefining certain terms; and for other purposes. **(Held 2/1/06 for further review)**

HELD

- 06-O-0286 (3) An Ordinance by Zoning Committee to rezone
Z-06-05 from the RG-4-C-HBS (Residential General-Sector 4 Conditional-Historic Building/Site) and RG-4-C (Residential General-Sector 4-Conditional) Districts, to the RG-4-C (Residential General-Sector 4-Conditional) District, property located at **2494 and 2510 Peachtree Road (a.k.a. 2500 Peachtree Road), NE**, fronting approximately 387.76 feet on the west side of Peachtree Road, beginning 400 feet from the southwest corner of Muscogee Avenue and Peachtree Road. **(Held 3/29/06 for further review)**

Depth: Varies

Area: Approximately 3.086 Acres

Land Lot: 112, 17th District, Fulton County, Georgia

Owner: 2500 Peachtree Condominium Association, Inc.

Applicant: 2500 Peachtree Condominium Association, Inc.

NPU-C

Council District 8

HELD

- 06-O-0007 (4) An Ordinance by Councilmember Carla Smith
Z-05-65 **as amended by Zoning Committee** to rezone the portion of the property located at **1821 W. Anderson Avenue** that is zoned R-4 (Single Family Residential) to the O-I (Office Institutional) Classification, to issue a Special Use Permit for the subject property; and for other purposes. **(Held 6/28/06 at the request of Councilmember of the District)**

HELD

E. PAPERS HELD IN COMMITTEE (CONT'D)

HELD

Depth: Varies
Area: Approximately 3.5 Acres
Land Lot: 70, 14th District, Fulton County, Georgia
Owner: Portfolio Properties Construction Co., LLC.
Applicant: Portfolio Properties Construction Co., LLC.
NPU-Z Council District 12

HELD

Depth: Varies
Area: Approximately 0.339 Acre
Land Lot: 44, 14th District, Fulton County, Georgia
Owner: Atlanta Decatur Oxford District United
Methodist Church, Bobby A. Jones, Trustee
Chair
Applicant: Jeffrey L. Wilson
NPU-W Council District 1

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

06-O-0955 (8) A **Substitute** Ordinance by Zoning Committee to rezone from the I-1-C (Light Industrial-Conditional) District to the MR5-A (Multi-Family Residential) District, property located at **1155 Hill Street, SE**, fronting approximately 350 feet on the west side of Hill Street and approximately 272 feet on the north side of Englewood Avenue. **(Held 11/1/06 at the request of District Council Person)**

Depth: Varies

Area: Approximately 8.719 Acres

Land Lot: 55, 14th District, Fulton County, Georgia

Owner: Jack and Harvey Taffel

Applicant: Chaz E. Waters/Skyline Partners, LLC.

NPU-Y

Council District 1

HELD

06-O-2283 (9) An Ordinance by Councilmembers Joyce M. Sheperd and Cleta Winslow authorizing the Mayor or her designee to place interim development controls on construction on all vacant parcels in the Murphy Triangle (lying within the boundaries of Murphy Avenue, Warner Street, Allene Avenue and Sylvan Road) for a period not to exceed nine (9) months; and for other purpose. **(Held 11/1/06 at the request of the author of the legislation)**

HELD

06-O-1927 (10) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Jim Maddox and Ceasar C. Mitchell **as substituted by Zoning Committee** to amend the 1982 Zoning Ordinance of the City of Atlanta, As Amended, so as to create a New Chapter to be entitled, 8B, Fulton County Townhouse Residential; to establish design guidelines for said District; to enact, by reference and incorporation, a Map establishing the boundaries of said District for the Cascade Glenn; to amend the City of Atlanta Zoning Maps; to modify the zoning process for annexations; and for other purposes. **(Forwarded with no recommendation by Zoning Committee 9/13/06) (Referred back by Council 12/04/06) (Held 12/13/06 for further review)**

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0396 (11)
CDP-07-09

An Ordinance by Community Development/Human Resources Committee to amend the Land Use Element of the City of Atlanta 2004-2019 Comprehensive Development Plan (CDP) so as to re-designate property that is located at **349 14th Street**, from the "Low Density Commercial" Land Use Designation; to the "Mixed-Use" Land Use Designation; and for other purposes. **(1st Quarter CDP Public Hearing held 3/12/07) (Held 3/13/07 awaiting companion Zoning legislation) (Favorable by CD/HR Committee 3/27/07) (Held 3/28/07 at the request of the applicant)**

NPU-E Council District 2

HELD

07-O-0148 (12) An Ordinance by Zoning Committee to rezone from the C-2
Z-06-138 (Commercial Service) District to the MRC-3 (Mixed
 Residential-Commercial) District, property located at **349**
14th Street, NW, fronting approximately 134 feet on the
 south side of 14th Street, at the southwest corner.
 Depth: Approximately 152 Feet
 Area: Approximately 0.47 Acre
 Land Lot: 149, 17th District, Fulton County, Georgia
 Owner: Julian W. Rikard
 Applicant: Michael Gamble
(Held 3/28/07 at the request of the applicant)
NPU-E Council District 2

HELD

06-O-1445 (13) An Ordinance by Zoning Committee to rezone from the R-G-3
Z-06-74 (Residential General-Sector 3) District to the PD-MU
 (Planned Development-Mixed Use) District, property located
 at **3700 Martin Luther King, Jr. Drive, SW**, fronting
 approximately 474.25 feet on the south side of Martin Luther
 King, Jr. Drive beginning approximately 183 feet from the
 southwest corner of Adamsville Drive. **(Held 5/2/07 at the
 request of Councilmember of the District)**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 27 Acres
Land Lot: 15, 14th District, Fulton County, Georgia
Owner: Atlanta Neighborhood Development Partnership
Applicant: Marvin Greer

NPU-H

Council District 10

HELD

06-O-2308 (14)
Z-06-113 An Ordinance by Zoning Committee to rezone from the SPI-6 (Poncey Highland Special Public Interest) District to the C-1 (Community Business) District, property located at **863 Ponce de Leon (rear), NE**, fronting approximately 63 feet on the east side of Barnett Street, beginning 150 feet from the westerly corner of Barnett Street and Ponce de Leon Avenue. **(Filed by ZRB and Zoning Committee 5/20/07) (Referred by back by Full Council 6/4/07) (Held 6/13/07)**

Depth: Approximately 74 Feet
Area: Approximately 0.861 Acre
Land Lot: 17, 14th District, Fulton County, Georgia
Owner: Robert T. Budd
Applicant: Kevin A. Ross

NPU-N

Council District 2

HELD

07-O-0389 (15)
Z-07-24 An Ordinance by Zoning Committee to amend Ordinance 04-O-2076/Z-04-127 which amended Z-03-85 which rezoned property from the RG-2 (Residential General-Sector 2) District to the PD-H (Planned-Development-Housing) District, property located at **201 Moury Avenue, SE** for the purpose of a Site Plan Amendment. **(Held 6/27/07)**

Owner: Villages at Carver, LLC.
Applicant: James R. Bailey

NPU-Y

Council District 11

HELD

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E. PAPERS HELD IN COMMITTEE (CONT'D)

07-O-0642 (16) A **Substitute** Ordinance by Zoning Committee to amend
Z-07-44 the 1982 Zoning Ordinance of the City of Atlanta, as Amended, so as to provide Maximum Floor Area Ratios in the R-4A and R-4B Zoning Districts and Maximum Lot Coverage in the R-4B Zoning District; amend Maximum Lot Coverage in the R-4A Zoning District; provide New Maximum Floor Area Ratios and Amend Lot Coverage for the various types of structures allowed in the R-5 Zoning District; to create a New Section 16-24.008 concerning the Measurement of Floor Area for Additions to Residential Structures; amend Sec. 16.28.008(5) concerning the Height of Walls in required Yards; amend Section 16-28.009 to clarify application of the Floor Area Ratio Calculation; create a New Section 16-28.026 concerning Limiting Height of the Main Floor Level; to amend Section 16-29.001(12)(a)(3) concerning the definition of Two-Family and Duplex Dwellings; to amend Section 16-29.001(13) to provide for a new definition of Floor Area; to amend Section 16-29.001(27) to provide for a new definition of Building Height; to amend Section 16-29.001(37) to provide for an amended definition of Floor Area Ratio; create New Section 16-29.001(67) Defining Attics; Create New Section 16-29.001(68) Defining Basements; create New Section 16-29.001(69) Defining Main Floor Level; and for other purposes. **(Held 7/11/07) (Held for further review)**

Councilmember Fauver made a motion to approve on substitute. The vote was unanimous.

FAVORABLE ON SUBSTITUTE

07-O-1129 (17) An Ordinance by Zoning Committee granting a Special Use
U-07-14 Permit for a Daycare Center (Section 16-06.005 (l)(b)), property located at **3245 Katamarick Drive, SE**, fronting approximately 75 feet on the east side of Katamarick Drive. **(Held 8/1/07) (Held by Councilmember of the District for further discussion with NPU's)**

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E. PAPERS HELD IN COMMITTEE (CONT'D)

Depth: Varies
Area: Approximately 0.657 Acre
Land Lot: 30, 14th District, Fulton County, Georgia
Owner: Shawn and Annette Draughn
Applicant: Annette Draughn
NPU-Z Council District 12

HELD

F. ITEMS NOT ON THE AGENDA

07-O-1620 (1) An Ordinance by Zoning Committee to rezone certain properties within the Beltline Overlay District from R4-A (Single Family Residential) and RG-3 (Residential General-Sector 3) Districts to MR-4A (Multifamily Residential) District; and for other purposes.

FAVORABLE - TO BE REFEREED TO ZRB AND ZONING COMMITTEE

07-O-0851 (2)
Z-07-54 An Ordinance by Zoning Committee to amend the City of Atlanta Land Development Code; to create Code Section 16-28.023(a) titled Transfer of Development Rights in the BeltLine Planning Area; to provide for definitions; and for other purposes.

FILE

07-O-1244 (3)
Z-07-13 An Ordinance by Councilmember Jim Maddox to amend Sections 16-28A.010(46) of the City of Atlanta Sign Ordinance regulating the Signage allowed in the Greenbriar Special Public Interest Zoning District (SPI-20), so as to allow certain signs to be placed in the Median Strip of Public Right-of-Way which was dedicated to the City and which serve as the entrance to major mixed-Use developments; and for other purposes.

FILE

SUMMARY REPORT

August 1, 2007

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
FAVORABLE						
07-O-1120	Z-07-63	547, 553, 559-565 Boulevard, N.E. and 489 Boulevard Place, N.E. M-2	Change of Conditions	Approval	Approval	Approval
Councilmember Fauver made a motion to approve. The vote was unanimous.						
07-O-1127	Z-07-62	677 Martin Street, S.E. V-1	R4-B-C to R4-B-C for a Change of Conditions	Approval	Approval	Denial
Councilmember Young made a motion to approve. The vote was unanimous.						
<u>FAVORABLE AS AMENDED</u>						
07-O-0636	U-07-05	2155 Monroe Place, N.E. F-6	Special Use Permit for a Broadcasting Tower	Approval Conditional	Denial	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
07-O-0637	U-07-06/U-00-34	321-361 Tenth Street, N.E. E-6	Special Use Permit for a Private School	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
07-O-1121	U-07-18/U-83-7	3350 Bankhead Highway, N.W. H-9	Special Use Permit for a Truck Terminal	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
07-O-0856	Z-07-45	935 Marietta Street, N.W. E-3	Site Plan Amendment	Approval Conditional	Approval	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						
07-O-0858	Z-07-47	1055 Arden Avenue, S.W. X-12	I-1-C to MRC-3-C	Approval Conditional	Approval Conditional	Approval Conditional
Councilmember Fauver made a motion to approve as amended. The vote was unanimous.						

SUMMARY REPORT

August 1, 2007

LEGISLATION NUMBER	ZONING NUMBER	LOCATION (NPU/CD)	CHANGE	STAFF RECOMM.	NPU RECOMM.	ZRB RECOMM.
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FAVORABLE AS AMENDED (cont'd)

07-O-1122	Z-07-56	2520 and 2544 Peachtree Road, N.E. B-8	RG-3 to RG-4-C	Approval Conditional	Approval Conditional	Approval Conditional
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Councilmember Fauver made a motion to approve as amended. The vote was unanimous.

07-O-0978	Z-07-58	Text Amendment	Amendment of the Castleberry Hill Landmark District Regulations	Approval of a Substitute Ordinance	Approval	Approval on Substitute
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Councilmember Fauver made a motion to approve as amended. The vote was unanimous.

FAVORABLE ON SUBSTITUTE

07-O-0497	Z-07-33	Text Amendment	Elimination of the one (1) year restriction imposed upon private property vendors with respect to a vending site	Approval	See NPU Worksheet	Approval with amendment to include reference to other vending regulations
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Councilmember Archibong made a motion to approve on substitute. The vote was unanimous.

07-O-1342	Z-06-101	415 Gartrell Street, N.E. (Also addressed as 70 Jackson Street) M-2	R-5 to MR-3	Approval of a Substitute Ordinance	Approval	Approval on Substitute
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Councilmember Archibong made a motion to approve on substitute. The vote was unanimous.

FILE

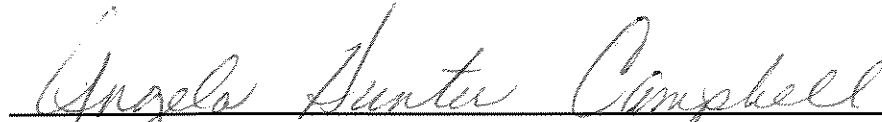
07-O-0264	Z-07-04	3764, 3718, 3770, 3748, 3726, 3734, 3710, 3756 Powers Ferry Road, N.W. A-8	R-3 to RG-3	File	File	File
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Councilmember Fauver made a motion to file. The vote was unanimous.

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There being no further business to come before the Zoning Committee the meeting was adjourned at 11:45 a.m.

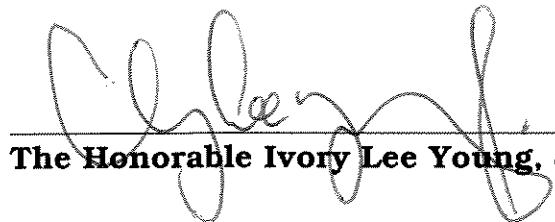
Respectfully submitted:



Angela H. Campbell, Legislative Secretary



Alfred Berry, Jr., Research & Policy Analyst



The Honorable Ivory Lee Young, Jr., Chairman